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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION  
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16 IN RE KOREAN RAMEN ANTITRUST  
17 LITIGATION  
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19 Case No. 3:13-cv-04115-WHO  
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21 **STIPULATION AND ORDER**  
22 **REGARDING BRIEFING AND HEARING**  
23 **SCHEDULE ON SANCTIONS MOTIONS**  
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## **STIPULATION**

The Indirect Purchaser Plaintiffs and the Direct Purchaser Plaintiffs (together, “Plaintiffs”), and Defendants Ottogi America, Inc., Ottogi Company Ltd., Nongshim America, Inc., and Nongshim Co. Ltd. (together, “Defendants”), by and through their counsel of record, stipulate as follows:

WHEREAS, on September 8, 2016 Plaintiffs filed motions for sanctions (Dkt. 416 and Dkt. 420) against the Defendants (collectively the “Motions”);

WHEREAS, the Motions were not filed 35 days before their noticed hearing date;

WHEREAS, Defendants requested some additional time to prepare their Oppositions due to various scheduling issues, including a multi-day Korean national holiday as well as the need to obtain declarations of witnesses in Korea including under Fed. R. Civ. P. 44.1 as to Korean law;

WHEREAS, Plaintiffs thereafter made a request to Defendants pursuant to Fed. R. Civ. Proc. 43 (c), to make any such declarants available for cross-examination by counsel and the Court at the time of the hearing on the Motions so that the Court can properly judge the veracity of the witnesses;

WHEREAS, Defendants have represented that such an examination will be unnecessary and/or inappropriate because, *inter alia*, the declarants have already been deposed and/or would be providing declaration(s) on Korean law under Fed. R. Civ. P. 44.1;

WHEREAS, Plaintiffs wish to accommodate Defendants' request for additional time to prepare their Oppositions and, in light of Defendants' various representations, Plaintiffs are presently not sure what Defendants' factual proffer will be and, thus, are willing to reserve further consideration on the question of whether live testimony is warranted until such time as they have an opportunity to review the Oppositions to the Motions;

WHEREAS, the parties recognize that if a dispute arises about the appropriateness of Plaintiffs calling live witnesses at the hearing on the Motions, if they decide to do so after reviewing the Oppositions, there will be a very short window to resolve it, and to either arrange for travel in the event that live testimony is determined by the Court to be required or to schedule a further hearing date at a time when anyone whose presence the Court so determines is warranted can travel from Korea; and

1 WHEREAS, the parties have continued to meet and confer since September 8, 2016 about a  
2 schedule for briefing and hearing on the Motions;

3 NOW, THEREFORE, Plaintiffs and Defendants hereby stipulate as follows:

4 1. Defendants shall file their Oppositions to the Motions on September 28, 2016.

5 2. Plaintiffs shall file their Replies to Defendants' Oppositions to the Motions on October  
6 5, 2016.

7 3. The hearing on the Motions shall be held on October 19, 2016 at 2:00 p.m., subject to  
8 such rescheduling (if any) as the Court may make following further application (if any) of the  
9 Plaintiffs regarding the question of whether or not any witnesses must appear.

10 4. In the event that the parties have a dispute about the attendance of witnesses at the  
11 hearing on the Motions following service of the Oppositions to the Motions, they shall bring it  
12 to the Court's attention in a joint letter brief as soon as possible thereafter.

13 IT IS SO STIPULATED.

14 DATED: September 15, 2016

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20 *Attorneys for Defendants Ottogi America, Inc. and*  
21 *Ottogi Company, Ltd.*

22 DATED: September 15, 2016

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Attorneys for Defendants Nongshim America, Inc. and  
Nongshim Co. Ltd.

DATED: September 15, 2016

BRAMSON PLUTZIK MAHLER & BIRKHAEUSER,  
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By: \_\_\_\_\_ /s/ Alan R. Plutzik \_\_\_\_\_

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*Interim Co-Lead Counsel for the Indirect Purchaser  
Plaintiffs*

DATED: September 15, 2016

HAUSFELD LLP

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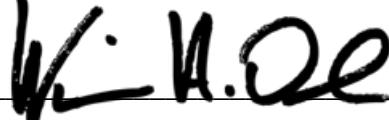
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*Interim Co-Lead Counsel for the Direct Purchaser  
Plaintiffs*

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: September 20, 2016

  
\_\_\_\_\_  
The Honorable William H. Orrick

United States District Judge